

Art Unit: 2444



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/703,189
Filing Date: October 31, 2000
Appellant(s): GILMOUR ET AL.

Jordan M. Becker
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the Amended appeal brief filed August 31, 2009 appealing from the Office action mailed August 17, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,835,087 HERZ 11-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz et al. (USPN 5,835,087 - Date of Patent: November 10, 1998, herein referred to as "Herz").

3. As to claim 1, Herz teaches the invention as claimed, including a method of addressing a communication for transmission over a network, the method including; accessing a descriptive profile of a potential recipient of the communication (see colA, line 4 to col.5, line 25, col.6, line 34-60); identifying the potential recipient as a suggested recipient of the communication based on an evaluation (see col.5, lines 7-20, and col. 1.18, lines 17-36) of a correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col. 11, lines 5-51); and presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient, the suggested recipient being presented in conjunction with an indication of the correspondence

between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, and col.75, line to col.76, line 51).

4. As to claim 2, Herz teaches the invention as claimed, wherein the indication of the correspondence includes an identification of a portion of the content of the communication that corresponds to the content of the descriptive profile of the potential recipient (see col. 17, line 45 to col. 18, line 14, and col.29, lines 5-41, the file contains an identifying description of the target object).

5. As to claim 3, Herz teaches the invention as claimed, wherein the communication comprises an electronic document, and the identification comprises identification of the portion of the content of the electronic document that corresponds to the content of the descriptive profile (see col.4, line 49 to col.5, line 67, and col.75, line 58 to col.76, line 51) (also see col.11, lines 1-67, portion content).

6. As to claim 4, Herz teaches the invention as claimed, wherein the identification of the portion of the content of the electronic document includes identifying textual terms within the electronic document (see col. 10, lines 20-56) (also see col. 11, lines 1-67, portion content).

7. As to claim 5, Herz teaches the invention as claimed, wherein the identification of the textual terms includes identifying the textual terms within the body of the electronic document (see col. 10, lines 20-56) (also see col.74, lines 22-55).

8. As to claim 6, Herz teaches the invention as claimed, wherein the identification of the textual terms within the body of the electronic document includes visually differentiating textual terms which correspond to terms of the descriptive profile (see col. 10, line 56 to col. 11, line 65) (also see col.74, lines 22-55).

9. As to claim 7, Herz teaches the invention as claimed, responsive to sender identification of the suggested recipient, identifying a portion of the content of the communication corresponding to the content of the descriptive profile of the suggested recipient (see col.25, lines 5-65, col.63, line 15 to col.64, line 2) (also see col.11, lines 1-67, portion content).

10. As to claim 8, Herz teaches the invention as claimed, including accessing a plurality of descriptive profiles of a plurality of potential recipients of the communication, identifying a plurality of the potential recipients as suggested recipients, and presenting the plurality of suggested recipients to the sender, and responsive to sender identification of a portion of the content of the communication, identifying to the sender at least one of the plurality of potential recipients based on a correspondence between the sender-identified portion of the content of the communication and content of a descriptive profile for the at least one of the plurality of potential recipients (see col.5, line 6 to col.6, lines 33) (also see col.55, lines 1-29).

11. As to claim 9, Herz teaches the invention as claimed, wherein the sender identified portion of the content of the communication includes a plurality of terms of an electronic document (see col.12, line 48 to col.13, lines 23).

12. As to claim 10, Herz teaches the invention as claimed, including presenting an indication of strength of the correspondence between the content of the communication and the content of the descriptive profile for the potential recipient (see col. 18, line 37-67 and col. 16, line 67 to col.17, line 15).

13. As to claim 11, Herz teaches the invention as claimed, including presenting a plurality of suggested recipients to the sender together with an indication for each of the plurality of suggested recipients of a strength of a correspondence between the content of the communication

and a respective descriptive profile for each of the plurality of suggested recipients (see col. 18, lines 37-67).

14. As to claim 12, Herz teaches the invention as claimed, including ranking the plurality of suggested recipients according to the respective strength of the correspondence between the content of the communication and the content of the respective_descriptive profile for each of the plurality of the suggested recipients (see col. 18, line 37 to col.9, line 30) (also see col.29, lines 1- 40).

15. As to claim 13, Herz teaches the invention as claimed, including prompting the sender for filter criterion prior to accessing the descriptive profile, and applying the filter criterion in the identification of the potential recipient (see col.61, line 60 to col.62, line 33).

16. As to claim 14, Herz teaches the invention as claimed, including a system to address a communication for transmission over a network, the system including: an access server to access a descriptive profile of a potential recipient of the communication (see col.26, lines 20-42, col.34, lines 21, to col.35, line 28) and to identify the potential recipient as a suggested recipient based on an evaluation of a (see col.5, lines 7-20, and col. 18, lines 17-36) correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col. 11, lines 5-51); and a communications server to present the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient, (see col.63, lines 1-37) and to indicate the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line

to col.76, line 51).

17. As to claim 15, Herz teaches the invention as claimed, wherein the communication server is further to identify a portion of the content of the communication that corresponds to the content of the descriptive profile of the potential recipient (see col. 17, line 45 to col. 18, line 14, and col.29, lines 5-41, the file contains an identifying description of the target object).

18. As to claim 16, Herz teaches the invention as claimed, wherein the communication comprises an electronic document, and the communications server is to identify the portion of the content of the electronic document that corresponds to the content of the descriptive profile (see col.4, line 49 to col.5, line 67, and col.75, line 58 to col.76, line 51) (also see col.11, lines 1- 67, portion content).

19. As to claim 17, Herz teaches the invention as claimed, wherein the communications server is further to identify textual terms within the electronic document (see col. 10, lines 20- 56).

20. As to claim 18, Herz teaches the invention as claimed, wherein the communications server is further to identify the textual terms within the context of the electronic document (see col. 10, lines 20-56).

21. As to claim 19, Herz teaches the invention as claimed, wherein the communication server is further to visually differentiate the textual terms within the body of the electronic document that correspond to terms of the descriptive profile (see col. 10, line 56 to col. 11, line 65) (also see col.74, lines 22-55).

22. As to claim 20, Herz teaches the invention as claimed, wherein the communications server, responsive to sender identification of the suggested recipient, is further to identify to the sender a portion of the content of the communication corresponding to the content of the descriptive

profile of the suggested recipient identified by the sender (see col.25, lines 5-65, col.63, line 15 to col.64, line 2) (also see col. 11, lines 1-67, portion content).

23. As to claim 21, Herz teaches the invention as claimed, wherein the access server is further to access a plurality of descriptive profiles of a plurality of potential recipients of the communication and to identify a plurality of the potential recipients as suggested recipients, and the communications server is further to present the plurality of suggested recipients to the sender, and responsive to sender identification of a portion of the content of the communication, is to identify to the sender at least one of the plurality of potential recipients based on a correspondence between the sender-identified portion of the context of the communication and content of a descriptive profile for the at least one of the plurality of potential recipients (see col.5, line 6 to col.6, lines 33) (also see col.55, lines 1-29).

24. As to claim 22, Herz teaches the invention as claimed, wherein the sender-identified portion of the content of the communication includes a plurality of terms of an electronic document (see col.12, line 48 to col.13, lines 23).

25. As to claim 23, Herz teaches the invention as claimed, wherein the communications server is further to present an indication of a strength of the correspondence between the content of the communication and the content of the descriptive profile for the potential recipient (see co 1.18, line 37-67 and col.16, line 67 to col.17, line 15).

26. As to claim 24, Herz teaches the invention as claimed, wherein the communications server is to present a plurality of suggested recipients to the sender together with a and indication, for each of the plurality of suggested recipients of a strength of a correspondence between the content of the communication and a respective descriptive profile for each of the plurality of suggested

recipients (see col. 18, lines 37-67).

27. As to claim 25, Herz teaches the invention as claimed, wherein the communications server is further to rank the plurality of suggested recipients according to the respective strength of the correspondence between the content of the communication and the respective descriptive profile for each of the plurality of the suggested recipients (see col. 18, line 37 to col.9, line 30) (also see col.29, lines 1-40).

28. As to claim 26, Herz teaches the invention as claimed, wherein the communications server is further to prompt the sender for a filter criterion prior to accessing the descriptive profile, and the access server is further to apply the filter criterion in the identification of the potential recipient (see col.61, line 60 to col.62, line 33).

29. As to claim 27, Herz teaches the invention as claimed, including a system for addressing a communication for transmission over a network, the system including: first means for accessing a descriptive profile of a potential recipient of the communication (see col.4, line 4 to col.5, line 25, col.6, line 34-60) and for identifying the potential recipient as a suggested recipient based on an evaluation of a (see col.5, lines 7-20, and col. 18, lines 17-36) correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col. 11, lines 5-51); and second means for presenting the suggested recipient to a sender of the communication for selected as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient (see col.63, lines 1-37) and for indicating of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line to col.76, line 51).

30. As to claim 28, Herz teaches the invention as claimed, including a machine-readable medium storing a sequence of instructions that, when executed by a machine, cause the machine to execute a method to address a communication for transmission over a network, the method to include: accessing a descriptive profile of a potential recipient of the communication (see col.4, line 4 to col.5, line 25, col.6, line 34-60); identifying the potential recipient as the suggested recipient based on an evaluation a (see col.5, lines 7-20, and col. 18, lines 17-36) correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col. 11, lines 5-51); and presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient, the suggested recipient being presented in conjunction with an indication of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, line 74, lines 22-55, and col.75, line to col.76, line 51).

(10) Response to Argument

Appellant argues that Herz does not explicitly disclose or even suggests all of the limitation of claim 1.

Examiner respectfully disagrees. Herz teaches the invention as claimed, including a method of addressing a communication for transmission over a network, the method including: accessing a descriptive profile of a potential recipient of the communication (see col.4, line 4 to col.5, line 25, col.6, line 34-60); identifying the potential recipient as a suggested recipient of the communication based on an evaluation (see col.5, lines 7-20, and col. 18, lines 17-36) of a

correspondence between content of the communication and content of the descriptive profile of the potential recipient (see col.5, lines 5-67, and col. 11, lines 5-51); and presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient, the suggested recipient being presented in conjunction with an indication of the correspondence between the content of the communication and the content of the descriptive profile of the potential recipient (see col.5, line 6 to col.6, line 60, col.74, and col.75, line to col.76, line 51).

Appellant argues that Herz does not explicitly disclose "presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient".

Examiner respectfully disagrees. Herz discloses presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient as shown in col.5, lines 6 to col.6 line 60 and col.74 line 22 to col. 16, line 51).

(11) Related Proceeding(s)Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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